

REMARKS / ARGUMENTS

Claims 1-13 are pending in this application. Claims 1-13 stand rejected.

Applicant respectfully requests the Examiner to reconsider claims 1-13 of the above identified application in view of the amendments and remarks on their merits and to pass claims 1-13 on to allowance at this time.

The Claimed Invention

The present invention relates to a copolymer composition comprising water insoluble graft copolymer particles, wherein the graft copolymer particles comprise:

- (a) from 2 weight percent to 90 weight percent of macromonomer, as polymerized units, based on the total weight of the copolymer, wherein:
 - (i) the macromonomer is water insoluble and comprises from 10 to 1000 polymerized units of at least one first ethylenically unsaturated monomer, no polymerized mercapto-olefin compounds, and less than 5 weight percent polymerized acid-containing monomer; and
 - (ii) the macromonomer is a macromonomer prepared by aqueous based polymerization; and
 - (iii) said macromonomer has a molecular weight distribution such that its ratio of M_w/M_n is at least 1.25, wherein said M_w is the weight average molecular weight of the macromonomer and said M_n is the number average molecular weight of said macromonomer; and
- (b) from 10 weight percent to 98 weight percent of polymerized units of at least one second ethylenically unsaturated monomer, based on the total weight of the copolymer.

Support for Amendments

Claim 1: Full support for the amendment of Claim 1 can be found in the attached declaration by Willie Lau (Appendix A).

Claim 4: The amendment to claim 4 removes a phrase from that claim. Claim 4, as amended, is fully supported at page 4, lines 13-15 and at page 18, lines 4-8 of the present US Application Serial No. 10/763,790 is a divisional. The same support can also be found in parent US Application Serial No. 09/951,494.

Claim 6: The amendment claim 6 makes it dependent upon claim 4 rather than upon claim 3. Full support for currently amended claim 6 can be found on page 18, lines 9 to 17, of the present US Application Serial No. 10/763,790 is a divisional. The same support can also be found in parent US Application Serial No. 09/951,494.

Response to Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 4-6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter with applicant regards as the invention. Applicant has amended claim 4 by removing the phrase "or acid containing monomer". Applicant has further removed the dependency of claim 6 upon claim 3, by making claim 6 dependent upon claim 4. Applicant asserts that these amendments renders moot the Examiner's argument.

Response to Provisional Obviousness-type Double Patenting Rejection

The Examiner has provisionally rejected claims 1-13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of copending application No. 09/951,944. Agent for the applicant is hereby enclosing a terminal disclaimer fully complying with 37 CFR 3.73(b). The terminal disclaimer is Attachment B of this document. Applicant respectfully requests the Examiner to reconsider claims 1-13 in view of the amendment to claim 1, and the terminal disclaimer (Attachment B), and to pass claims 1-13 on to allowance at this time.

Response to Rejection under 35 U.S.C. § 102(b) or, in the alternative, under 35 U.S.C. § 103(a) over Schultz *et al.* (US 3,862,077)

Claims 1-13 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C 103(a) as obvious over Schulz et al. (US 3,682,077). Applicant has amended claim 1 to distinguish the present amended claims from Schultz, et al. (US 3,862,077), the macromolecular monomer of Schultz ('077) has Mw/Mn of less than 1.1. Support for the amendment to claim 1 is presented in a declaration under 37 C.F.R. § 1.132 by Willie Lau. (see Appendix A). Applicant, therefore, respectfully asserts that, for claim 1 and for claims 2-13 depending therefrom, Examiner's arguments are rendered moot by the amendment to claim 1. Applicant respectfully requests the Examiner to reconsider claims 1-13 in view of the amendment to claim 1, accompanying declaration (Appendix A), accompanying terminal disclaimer (Appendix B), and remarks on merits, and to pass claims 1-13 on to allowance at this time.

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Mail Stop Amendment

Conclusions

The Applicant has:

- (a) amended claims 1, 4, and 6;
- (b) provided a declaration in support of the amendment to claim 1;
and
- (c) provided a terminal disclaimer with respect to copending US
Application No. 09/951,944.

The Applicant requests the Examiner to:

- (a) consider the amendments to claims 1, 4, and 6;
- (b) consider the declaration in support of the amendment to claim 1;
- (c) consider the terminal disclaimer with respect to copending US
Application No. 09/951,944; and
- (d) pass claims 1-13 on to allowance.

Respectfully submitted,

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